

**LEILA W. MORGAN**  
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Attorneys for Mr. Espinoza De Leon

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA,	)	Case No. 07CR3409
	)	
Plaintiff,	)	DATE: January 28, 2008
	)	TIME: 2:00 p.m.
v.	)	
	)	NOTICE OF MOTIONS AND MOTIONS:
JOSE ESPINOZA DE LEON,	)	
	)	(1) TO DISMISS THE INDICTMENT
Defendant.	)	DUE TO THE GRAND JURY'S
	)	BEING IMPROPERLY CHARGED;
	)	(2) TO COMPEL DISCOVERY;
	)	(3) TO PRESERVE AND REWEIGH
	)	NARCOTICS EVIDENCE; AND
	)	(4) TO GRANT LEAVE TO FILE
	)	FURTHER MOTIONS

TO: KAREN HEWITT, UNITED STATES ATTORNEY; AND  
RANDY K. JONES, ASSISTANT UNITED STATES ATTORNEY;

PLEASE TAKE NOTICE that on January 28, at 2:00 p.m., or as soon thereafter as counsel may be heard, the defendant, Jose Espinoza De Leon, by and through his counsel, Leila W. Morgan, and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

**MOTIONS**

The defendant, Jose Espinoza De Leon, by and through his attorneys, Leila W. Morgan, and Federal Defenders of San Diego, Inc., pursuant to the United States Constitution, the Federal Rules

1 of Criminal Procedure, and all other applicable statutes, case law and local rules, hereby moves this  
2 Court for an order to:

- 3 1) Dismiss the indictment due to the grand jury's being improperly charged;
- 4 2) Compel discovery
- 5 3) To Preserve and Reweigh Narcotics Evidence;
- 6 4) Grant leave to file further motions.

7 These motions are based upon the instant motions and notice of motions, the attached  
8 statement of facts and memorandum of points and authorities, and all other materials that may come  
9 to this Court's attention at the time of the hearing on these motions.

10 Respectfully submitted,

11 DATED: January 22, 2008

/s/ Leila W. Morgan  
**LEILA W. MORGAN**  
Federal Defenders of San Diego, Inc.  
Attorneys for Mr. Espinoza De Leon  
Leila\_Morgan@fd.org

**CERTIFICATE OF SERVICE**

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of her information and belief, and that a copy of the foregoing document has been served this day upon:

Randy K. Jones  
U S Attorneys Office Southern District of California  
Criminal Division  
880 Front Street  
Room 6293  
San Diego, CA 92101  
(619)557-5610  
Fax: (619)235-2757  
Email: Randy.Jones@usdoj.gov

Dated: January 23, 2008

/s/ Leila W. Morgan  
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